



PROPERTY FACTOR ENFORCEMENT ORDER

**Issued by the First-tier Tribunal for Scotland (Housing and Property Chamber)
Under section 17 of the Property Factors (Scotland) Act 2011**

Chamber Ref:FTS/HPC/PF/23/3287

1/1, 5 Sherbrooke Drive, Pollokshields, Glasgow, G41 5AA ('the Property')

**Matthew McCann residing at 1/1, 5 Sherbrooke Drive, Pollokshields, Glasgow,
G41 5AA ('the Homeowner and Applicant')**

James Gibb Residential Factors ('the Factor and Respondent')

Tribunal members:

Jacqui Taylor (Chairperson) and Nick Allan (Ordinary Member).

NOTICE TO THE PARTIES

1. The Tribunal, having made such enquiries as it saw fit for the purposes of determining whether the factor has complied with the Code of Conduct for Property Factors, in terms of the Property Factors (Scotland) Act 2011 ('the 2011 Act') determined that the Factor had failed to comply with sections 2.7 and 6.6 of the 2021 Code of Conduct, all as stated in their decision dated 27th January 2025.
2. The Tribunal intimated to the parties, in terms of their said decision dated 27th January 2025, that they proposed to make a Property Factor Enforcement Order, requiring the Property Factor to pay the Homeowner the sum of £250. The parties were given notice that they should ensure that any written representations they wish to make under section 19(2)(b) of the Act reach the Housing and Property Chamber's office by no later than 14 days after the date that the Decision and the notice of the proposed Property Factor Enforcement Order was intimated to them.
3. The Property Factor sent the Tribunal an email dated 13th February 2025 confirming that he made payment of £250 to the Homeowner.
4. The Homeowner sent the Tribunal an email dated 4th March 2025 confirming that he has received the payment.
5. Section 17(3) of the Property Factors (Scotland) Act 2011 states that if the Tribunal is satisfied that the Factor has failed to comply with the Code of Conduct the

Tribunal must make a Property Factor Enforcement Order. Consequently, the Tribunal make the following Property Factor Enforcement Order:

‘The Factor must pay the homeowner £250 for the stress and inconvenience he had suffered and for their contribution to causing the IKO guarantee to be invalidated, from their own funds and at no cost to the owners. The said sums to be paid within 28 days of the communication to the Factor of the Property Factor Enforcement Order’.

Failure to comply with a PFEO may have serious consequences and constitute an offence.

Appeals

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Jacqui Taylor

Signed

Chairperson Date: 9th March 2025